

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re: _____

Bkty Case No.03-61367

Chris John Fandel
Tammy Louise Fandel,

Debtors.

NOTICE OF HEARING AND MOTION

TO: THE DEBTORS AND OTHER ENTITIES SPECIFIED IN LOCAL RULE 9013-3:

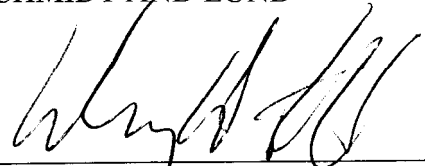
1. Chris John Fandel and Tammy Louise Fandel, the Debtors herein, move the Court for the relief requested below and give notice of hearing.
2. The Court will hold a hearing on this motion on October 26, 2004 at 10:00 a.m. at the United States Bankruptcy Court, Courtroom 2, 118 S. Mill Street, Fergus Falls, Minnesota 56537.
3. Any response to this motion must be filed and delivered not later than October 21, 2004 which is three (3) days before the time set for the hearing (excluding Saturday, Sunday, and holidays), or shall be filed and served by mail no later than October 15, 2004, which is seven days before the time set for the hearing (excluding Saturday, Sunday, and holidays). UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.
4. The Court has jurisdiction over this motion pursuant to 28 USC §§ 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this Chapter 13 case was filed on October 29, 2003. The Debtors' plan was confirmed on January 27, 2004.

5. This motion arises under 11 USC § 1329, Bankruptcy Rule 9029 and Local Rule 3019-2. This motion is filed under Bankruptcy Rule 9014 and Local Rules 9013, 9006, 5005, and 9017. Chris John Fandel and Tammy Louise Fandel request the Court's Order for confirmation of a post-confirmation modified plan that will allow a reduction in the amount of their plan payment. Debtors also request the Court's order for confirmation of a post-confirmation modification plan that will provide for no arrears as of the date of the modified plan..

Wherefore, Chris John Fandel and Tammy Louise Fandel move the Court for an Order to confirm their plan, as modified, and such other and further relief as may be just and equitable.

Dated this 27th day of October, 2004.

SCHMIDT AND LUND



Wesley W. Scott - #0264787
13 South Seventh Avenue
St. Cloud, MN 56301
(320)252-0330

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:

Bkty Case No.03-61367

Chris John Fandel and
Tammy Louise Fandel,

Debtors.

**MEMORANDUM IN SUPPORT OF
DEBTOR'S MOTION FOR POST-
CONFIRMATION MODIFICATION**

FACTS

This Chapter 13 bankruptcy was filed on October 29, 2003 and confirmed on January 27, 2004.

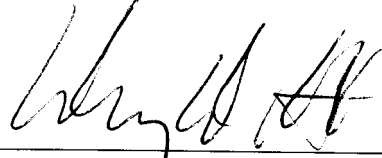
Subsequent to confirmation of the Chapter 13 plan herein, Debtors sustained a temporary loss of income (Tammy Fandel is having back surgery and will be off work for two months during which time she will receive worker's compensation at approximately \$1450 per month). Also, since confirmation, Debtors' expenses have changed. See the attached Amended Schedule J.

ARGUMENT

For these reasons, Chris John Fandel and Tammy Louise Fandel respectfully request the Court to confirm their modified plan, as submitted. In this case, Debtors respectfully request the Court order to modify their plan to allow for a reduction in the amount of their plan payment and for there to be no arrears as of the date of their modified plan which is November 29, 2004. Debtors propose their modified plan payment begin on November 29, 2004 and continue for 49 months.

Dated this 7th day of October, 2004.

SCHMIDT AND LUND

A handwritten signature in dark ink, appearing to read 'Wesley W. Scott', written over a horizontal line.

Wesley W. Scott - #0264787
13 South Seventh Avenue
St. Cloud, MN 56301
(320-252-0330)

AFFIDAVIT OF SERVICE BY MAIL

STATE OF MINNESOTA)

) ss.

COUNTY OF STEARNS)

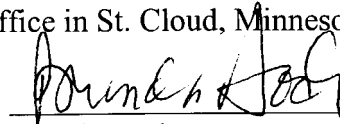
Brenda Loch, being first duly sworn upon oath, deposes and states that on the 7th day of October, 2004 she served the attached:

1. Notice of Hearing and Motion;
2. Memorandum in Support of Debtor's Motion for Post-Confirmation Modification;
3. Modified Chapter 13 Plan;
4. Amended Schedule B;
5. Amended Schedule C;
6. Amended Schedule D; and
7. Amended Schedule J.

upon U.S. Trustee, Trustee, and all Creditors by then and there enclosing a true and correct copy thereof in an envelope addressed as follows:

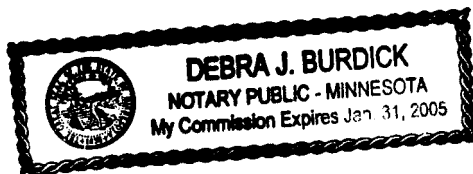
*See attached Service List

and depositing the same at the United States Post Office in St. Cloud, Minnesota 56301.


Brenda Loch

Subscribed and sworn to before me
this 7th day of October, 2004.


Notary Public



SERVICE LIST

AMERICAN EXPRESS
PO BOX 46960
ST LOUIS MO 63144

AMERICAN GENERAL CITIFINANCIAL
PO BOX 8019
SOUTH HACKENSACK NJ 07606-8019

BANK OF AMERICA
PO BOX 53132
PHOENIX AZ 85072

BENEFICIAL
PO BOX 8633
ELMHURST IL 60126

CAPITAL ONE
C/O GURSTEL LAW FIRM
401 3rd ST N #590
MINNEAPOLIS MN 55401

CHASE
PO BOX 52195
PHOENIX AZ 85072

GREAT RIVER CREDIT UNION
1532 W ST GERMAIN
ST CLOUD MN 56303

GREAT RIVER FEDERAL CREDIT
UNION
1532 W ST GERMAIN
ST CLOUD MN 56303

HELZBERGS
PO BOX 9025
DES MOINES IA 50368

KOHL'S
6324 TAYLOR DR
FLINT MI 48507

LIBERTY SAVINGS
111 7TH AVE S
ST CLOUD MN 56303

MARRIOTT VISA
PO BOX 94014
PALATINE IL 60094

MBNA
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WILMINGTON DE 19850-5026

NATIONAL CITY
PO BOX 856177
LOUISVILLE KY 40285

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1100 PILLSBURY CENTER
200 S 6TH ST
MINNEAPOLIS MN 55402

U S BANK
PO BOX 790084
ST LOUIS MO 63179

VES CAPITAL ONE
PO BOX 59207
MINNEAPOLIS MN 55459

CENTRAL MN PHYSICIANS
C/O WEISBERG LAW OFFICE
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MINNEAPOLIS MN 55426

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HEAD AND NECK CLINIC
1528 NORTHWAY DR
ST CLOUD MN 56303

JC CHRISTENSEN AND ASSOCIATES
INC
PO BOX 519
SAUK RAPIDS MN 56379

U S TRUSTEE
1015 U S COURTHOUSE
300 S FOURTH ST
MINNEAPOLIS MN 55415

MICHAEL J FARRELL
PO BOX 519
BARNESVILLE MN 56514

STEWART ZLIMEN & JUNGERS LTD
430 OAK GROVE ST #200
MINNEAPOLIS MN 55403